REMARKS

This is a full and timely response to the outstanding final Office Action mailed October 4, 2006. Upon entry of the amendments in this response, claims 1 – 38 and 48 – 58 remain pending. In particular, Applicants amend claims 1, 15 – 20, 23, and 48. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Claim 1 is Allowable Over *Bowman-Amuah* in view of *O'Flaherty* and further in view of *Tunnicliffe*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,542,593 ("*Bowman-Amuah*") in view of U.S. Patent Number 6,253,203 ("*O'Flaherty*") and further in view of U.S. Patent Number 6,272,110 ("*Tunnicliffe*"). Applicants respectfully traverse this rejection for at least the reason that *Bowman-Amuah* in view of *O'Flaherty* and further in view of *Tunnicliffe* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

> A method of providing network access across a shared communications medium between competing users pursuant to service level agreements (SLAs) of the users, comprising the steps of:
> (a) ***determining forecasted network access usage by each user during a future time interval***;
> (b) comparing said forecasted network access usage by each user with a predetermined threshold value;
> (c) in response to comparing, determining at least one candidate for modification of an SLA;
> (d) filtering at least one candidate against a list of candidates for which a solicitation is not to be made; and
> (e) soliciting at least one filtered candidate to modify an SLA related to that candidate. ***(emphasis added)***

Applicants respectfully submit that claim 1, as amended, is allowable over the cited art for at least the reason that the cited art fails to disclose a "method of providing network access across a shared communications medium between competing users pursuant to service level agreements (SLAs) of the users, comprising the steps of… ***determining forecasted network access usage by each user during a future time interval***" as recited in claim 1, as amended.

More specifically, *Bowman-Amuah* appears to disclose a "process [that] ensures that the Network Performance goals are tracked and that [provides notification] when they are not met" (column 21, line 34). However, *Bowman-Amuah* fails to disclose "***determining forecasted network access usage by each user during a future time interval***" as recited in claim 1, as amended. Additionally, neither *O'Flaherty*, nor *Tunnicliffe* overcome the deficiencies of *Bowman-Amuah*. For at least these reasons, claim 1, as amended, is allowable over the cited art.

II. Claim 48 is Allowable Over *Bowman-Amuah* in view of *O'Flaherty* and further in view of *Tunnicliffe*

The Office Action indicates that claim 48 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Bowman-Amuah* in view of *O'Flaherty* and further in view of *Tunnicliffe*. Applicants respectfully traverse this rejection for at least the reason that *Bowman-Amuah* in view of *O'Flaherty* and further in view of *Tunnicliffe* fails to disclose, teach, or suggest all of the elements of claim 48. More specifically, claim 48 recites:

> A method of providing network access across a shared communications medium between competing users pursuant to service level agreements (SLAs) of the users, comprising the steps of:
>
> ***determining forecasted network access usage by each user for respective predetermined future time intervals***;
>
> identifying a period of high forecasted network access usage of a user based on said determining;
>
> determining, from said determining forecasted network access usage, at least one candidate for modification of an SLA;
>
> filtering at least one candidate against a list of candidates for which a solicitation is not to be made; and
>
> soliciting at least one filtered candidate to modify an SLA associated with that filtered candidate to guarantee a minimum level of network access during an anticipated future recurrent period of high network access usage. ***(emphasis added)***

Applicants respectfully submit that claim 48, as amended, is allowable over the cited art for at least the reason that the cited art fails to disclose a "method of providing network access across a shared communications medium between competing users pursuant to service

level agreements (SLAs) of the users, comprising the steps of… ***determining forecasted network access usage by each user for respective predetermined future time intervals***" as recited in claim 48, as amended. More specifically, *Bowman-Amuah* appears to disclose a "process [that] ensures that the Network Performance goals are tracked and that [provides notification] when they are not met" (column 21, line 34). However, *Bowman-Amuah* fails to disclose "***determining forecasted network access usage by each user for respective predetermined future time intervals***" as recited in claim 48, as amended. Additionally, neither *O'Flaherty*, nor *Tunnicliffe* overcome the deficiencies of *Bowman-Amuah*. For at least these reasons, claim 48, as amended, is allowable over the cited art.

III. Claims 2 – 38 and 49 – 58 are Allowable Over *Bowman-Amuah* in view of *O'Flaherty* and further in view of *Tunnicliffe*

The Office Action indicates that claims 2 – 38 and 49 – 58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Bowman-Amuah* in view of *O'Flaherty* and further in view of *Tunnicliffe*. Applicants respectfully traverse this rejection for at least the reason that *Bowman-Amuah* in view of *O'Flaherty* and further in view of *Tunnicliffe* fails to disclose, teach, or suggest all of the elements of claims 2 – 38 and 49 – 58. More specifically, dependent claims 2 – 38 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Dependent claims 49 – 58 are believed to be allowable for at least the reason that they depend from allowable independent claim 48. *In re Fine*, *Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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